



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Marcy L. Freed et al.)
)
For: Treatment Of Oropharyngeal) Conf. No. 5094
Disorders By Application Of)
Neuromuscular Electrical)
Stimulation)
)
Serial No.: 10/782,620) Art Unit: 3762
)
Filed: February 18, 2004) Examiner: Scott M. Getzow

RESPONSE TO OFFICE ACTION

March 28, 2007

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a Response to an Office Action which was mailed on January 11, 2007 in connection with the application identified above, along with two Terminal Disclaimers and a check for \$260 to cover the filing fee for the Terminal Disclaimers. Also enclosed is an Information Disclosure Statement and a postcard receipt addressed to Applicant's attorney. Please file the Response, mark the postcard with the date of receipt and return it to the undersigned attorney. Thank you for your cooperation.

Sincerely,

David J. Hill
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with postage prepaid in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 28, 2007.

Donna Guy
Date of Signature: March 28, 2007



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Sir:

This is a response to the Office Action that was mailed on January 11, 2007. Claims 1-3 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-25 of U.S. Patent No. 5,725,564 in view of U.S. Patent No. 4,813,418 of Harris. Claims 1 and 6 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,039,468 in view of U.S. Patent No. 4,813,418 of Harris. Claims 10-12, 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,895,154 of Bartelt et al. in view of U.S. Patent No. 4,813,418 of Harris. Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,895,154 of Bartelt et al. in view of U.S. Patent No. 4,813,418 of Harris, U.S. Patent No. 6,745,082 of Axelgaard and U.S. Patent No. 6,141,575 of Price. Objection has been raised to claims 4, 5, 7 and 8 as being dependent on a rejected base

claim. Claims 9 and 16-20 have been allowed. Applicants submit herewith Terminal Disclaimers to overcome the nonstatutory obvious-type double patenting rejections of claims 1-3 and 6, along with a check for \$260 to cover the filing fees under 37 C.F.R. §1.20(d).

Applicants submit herewith an Information Disclosure Statement in order to disclose six patents that were recently disclosed to Applicants in connection with litigation involving a related patent. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

In addition, Applicants offer the following remarks to address the rejections of their claims and respectfully request reconsideration of the application in view of such remarks.